



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

COPY MAILED

MAY 23 2005

OFFICE OF PETITIONS

In re Application of	:	
Burzynski et al.	:	
Application No. 10/614,543	:	DECISION REFUSING STATUS
Filed: July 3, 2003	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. ICUMM1.4CP1RE	:	
Title: SELF-BLUNTING NEEDLE MEDICAL	:	
DEVICES AND METHODS OF	:	
MANUFACTURE THEREOF	:	

This is in response to the reissue petition filed March 17, 2005, under 37 CFR. §1.47(a).

The petition under 37 CFR. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR. §1.136(a).

The above-identified application was filed on July 3, 2003, without an executed oath or declaration. Accordingly, on September 14, 2004, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring for the purposes of this decision an executed oath or declaration in compliance with §1.63, and §1.175 a surcharge for its late filing. This Notice set an extendable two-month period for reply of November 14, 2004.

In reply, applicant filed a petition, the surcharge for late filing of the declaration, and a partially executed declaration. To make timely a four month extension of time was obtained. In support of the petition, applicants submitted copies of correspondence which was mailed to the non-signing inventor.

A grantable petition under 37 CFR. §1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with

The instant petition does not satisfy requirements (2).

Further correspondence with respect to this matter should be addressed as follows:

By facsimile: (703) 872-9306

By delivery service:
(FedEx, UPS, DHL, etc.)

U.S. Patent and Trademark Office
Customer Service Window,
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charles R. Gault

Charlema R. Grant
Petitions Attorney
Office of Petitions